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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/933,845      | 08/21/2001  | Bartel Marinus Van De Sluis | NL000469            | 7423             |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

BARQADLE, YASIN M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2153

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/933,845

**Applicant(s)**VAN DE SLUIS, BARTEL  
MARINUS**Examiner**

Yasin M. Barqadle

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) 2-8 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 9-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/27/2005.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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### **Response to Amendment**

Applicant's arguments filed on January 27, 2005 have been fully considered but are moot in view of the new ground(s) of rejection.

- Claims 2-8 have been canceled.
- Claims 1 and 9 are amended.
- Claims 11-14 are added newly.
- Claims 1,9-14 are presented for examination

### **Response to Amendment**

In response to applicant's arguments in pages 5-6, that "Meyer is not valid prior art for many elements that it is alleged it show." Examiner disagrees. Applicant admits that U.S. Patent No. 6,505,160 filed May 2, 2000 as a valid prior to Applicants current application (bottom of page 5). Meyer is a continuation-in-part from U.S. Patent No. 6,505,160 and contains the subject matter relied upon by the examiner. Furthermore, all the portions cited by the examiner are found in Myers as well as U.S. Patent No. 6,505,160. Therefore, Meyers is a valid prior art for the subject matter relied upon by the examiner.

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In response to Applicants arguments that "even Meyer, with the faulty priority date, does not disclose or suggest the features required by claim 1, 9 and 11 as amended."

Examiner contends that the combined references of Meyer et al with Herz et al teach claims 1, 9 and 11 as amended. See the rejection below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al (20010031066) in view of Herz et al USPN. (20010014868).

As per claim 1, Meyer et al teach a method of enhancing rendering of a content item (fig. 1 and ¶ 22-24), comprising receiving a portion of the content item from a

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client system (a user establishes a connection with object identifier for a media file/title, and a content identifier is received from a user corresponding to the requested media title ¶ 29; ¶ 40 and ¶ 61-64), processing the received portion to obtain an identifier for the content item (¶ 22; 30 and 40. see ¶ 56), obtaining further information on the content item using the identifier (based on the identifier action is performed such as looking up a database for a data associated with the identifier ¶ 22-24), and transmitting the further information to the client system [ returning metadata information to client ¶ 22-24 ; ¶ 40 and ¶ 61-62].

Although Meyers et al shows substantial features of the claimed invention including returning a web page of information about the object and links actions such as buying and downloading related music (content) (¶ 29-30 and ¶ 58), he does not explicitly show an offer to sell a further content item related to the content item.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Meyers et al, as evidenced by Herz et al USPN. (20010014868).

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In analogous art, Herz et al whose invention is a system for tracking the behavior of online shoppers by accumulating extensive profiles of the shoppers and the offers that they consider. The system customizes prices and promotions, automatically constructing product offers tailored to individual shoppers (abstract), discloses offering promotions to a shopper on related purchases such as when the shopper purchases item A, the system offers a coupon on related item B (§ 266-267 and § 279). Giving the teaching of Herz et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Meyers et al by employing the system for the automatic determination of customized prices and promotions of Herz because this will enable vendors to maximize their profit margin and to help shoppers become informed about available offers (abstract and § 4 and §24]. As per claim 9, Meyer et al teach a server system (fig. 1, server 1) arranged for facilitating enhanced rendering of a content item [§ 22-24], comprising receiving means for receiving a portion of the content item from a client system (§ 29 and § 40), processing means for processing the received portion to obtain an identifier for the content item (§ 22; 30 and 40. see § 56), lookup means for

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obtaining further information on the content item using the identifier (§ 22-25 and § 75-76), and for transmitting the further information to the client system [ returning metadata information to client § 22-24 ; § 40 and § 61-62]. As to the limitation of an offer to sell a further content item related to the item (see the rejection on claim 1 above) .

As per claim 10, Meyer et al teach the server system of claim 9, the processing means being arranged for computing a hash value for the received portion of the content item, the identifier comprising the computed hash value [§ 28 and § 46-48].

As per claim 11, this claim includes similar limitations as claims 1 and 9. Therefore, it is rejected with the same rational.

As per claim 12, Meyers et al teach the method of claim 11, wherein the receiving comprises the acts of:

receiving at the client system the electronic content item § 27-30; § 40 and § 61-64); and

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transmitting to the server system a portion of the electronic content item (§ 27-30; § 40 and § 61-64).

As per claim 13, Meyers et al teach the method of claim 11, where the processing comprises the act of:

calculating a hash of the content item and determining the identifier from the hash of the content item [§ 28 and § 46-48].

As per claim 14, Meyers et al teach the method of claim 11, where the processing comprises the act of:

extracting a watermark from the content item and determining the identifier from the watermark [§ 39-43 and § 85-88].

### Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

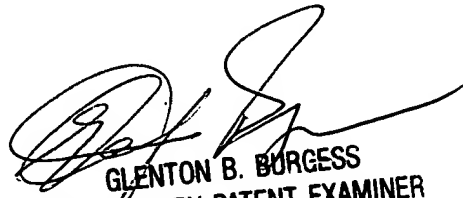
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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